

1 L. CHRISTOPHER ROSE, ESQ.
2 Nevada Bar No. 7500
3 Email: lcr@juww.com
4 TYLER N. URE, ESQ.
5 Nevada Bar No. 11730
6 Email: tnu@juww.com
7 JOLLEY URG WIRTH & WOODBURY
8 3800 Howard Hughes Pkwy., #1600
9 Las Vegas, Nevada 89169
10 Telephone: (702) 699-7500
11 Facsimile: (702) 699-7555
12
13 Attorneys for Plaintiffs Sandy Cooper
14 and Garden Meadow, Inc.

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 SANDY COOPER, an individual, GARDEN
12 MEADOW, INC., a Connecticut Corporation,

13 Plaintiffs,

14 vs.

15 GALYFORD (HK) LIMITED, a Chinese
16 Company,

17 Defendant.

Case No. 2:13-cv-01520-JAD-NJK

**REQUEST TO ENLARGE TIME FOR
SERVICE**

18 Plaintiffs Sandy Cooper and Garden Meadow ("Plaintiffs"), by and through their
19 attorneys of record, Jolley Urga Wirth & Woodbury, hereby submit this request to enlarge time
20 for service.

21 Plaintiffs filed this action on August 22, 2013. Since then, Plaintiffs have attempted to
22 effectuate service on Defendant Pursuant to Fed. R. Civ. P. 4(f)(1) and the Hague Convention on
23 Service Abroad of Judicial and Extrajudicial Documents (hereinafter the "Hague Convention").
24 Even though Plaintiffs properly served process in this action pursuant to the Hague Convention,
25 the Chinese Ministry of Justice (the "Ministry") refused to effectuate service and returned
26 Plaintiffs' documents. The return of the documents was accompanied by a letter from the
27 Ministry claiming that they could not serve the documents because the "Chinese translation
28

1 doesn't match with the original documents." *See* Letter attached hereto as Exhibit 1. Rather
 2 than actually comparing the text of the original and its translation, the Ministry appears to be
 3 relying on the fact that the Chinese translation had more pages than the original as a basis for its
 4 rejection.

5 Plaintiffs encountered similar difficulties in serving Galyford's alter ego, Ningbo
 6 Xingqiang Metallic Products Co. Ltd. ("Ningbo") in this case's companion case Cooper, et al v.
 7 Ningbo, 2:12-cv-00698-JCM-GWF. Despite numerous attempts to serve the defendant in that
 8 case, the Ministry refused to serve process, each time claiming there was a defect in the papers,
 9 such as not being able to find the name and address in of the defendant (despite the fact that the
 10 information was conspicuous in a number of places in the documents.) In fact, it took eleven
 11 months and multiple attempts before the Ministry served Ningbo in that action.

12 Anticipating further difficulties in serving process pursuant to the Hague Convention,
 13 Plaintiffs respectfully request that the time for service be extended to February 13, 2014.
 14 Although Plaintiffs are aware that the Fed. R. Civ. P. 4(m) 120-day limitation on service does
 15 not apply to service pursuant to Hague Convention and Fed. R. Civ. P. 4(f), Plaintiffs are seeking
 16 to preserve their rights to serve Galyford by alternative means. Further, it is Plaintiffs' desire to
 17 also inform this Court of its diligent efforts to serve process in this case and that, based on their
 18 prior experiences, it anticipates difficulties in serving Galyford.

19 Dated this 19th day of December 2013.

20 JOLLEY URGA WIRTH & WOODBURY

21 **ORDER**

22 IT IS SO ORDERED.

23 Date: 12/30/2013

24 By: /s/ Tyler N. Ure

25 L. CHRISTOPHER ROSE, ESQ.

26 Nevada Bar No. 7500

27 TYLER N. URE, ESQ.

28 Nevada Bar No. 11730

3800 Howard Hughes Pkwy, Suite 1600

Las Vegas, Nevada 89169

Telephone No. (702) 699-7500

Facsimile No. (702) 699-7555

Attorneys for Plaintiff Sandy Cooper
 and Garden Meadow, Inc.


 UNITED STATES DISTRICT JUDGE

EXHIBIT “1”

中华人民共和国司法部
Ministry of Justice, People's Republic of China
No. 6, Chaoyangmen Nandajie, Chaoyang District, Beijing 100020, China
Tel: +86 10 6515 3113 Fax: +86 10 6515 3144

2013-SXS-1576

Garden Meadow, Inc. by Counsel
L.Christopher Rose, Tyler Ure
Jolley Urga Wirth Woodbury&Standish
3800 Howard Hughes Pkwy
16th Floor, Wwlls Fargo Tower
Las Vegas, NV 89169
U.S.A.

The Request for the service of documents has been received.

We regretfully return your request because it does not comply with the provisions of the Hague Convention on the Service abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (hereinafter referred to as the Convention), and the Declaration made by the People's Republic of China at the time of its accession. The specific reasons for the return are as follows (the item/items below which is/are marked with X):

- () The address of the person to be served upon is not sufficiently provided (Paragraph 2 of Article 1).
- () The form of the Request does not conform to the model annexed to the Convention (Paragraph 1 of Article 3).
- () The terms in the Request are not written in the languages specified by the Convention (Article 7).
- () The Request and the documents to be served are not furnished in duplicate (Paragraph 2 of Article 3).
- () The documents to be served are not written in, or translated into Chinese (Article 5).1
- () The case relating to the request does not fall into the scope of the Convention (Paragraph 1 of Article 1).
- () The execution of the request would infringe the sovereignty or security of the People's Republic of China (Article 13).

(X) Others: The Chinese translation doesn't match with the original documents. The Chinese translations are obviously more than the English papers.

International Legal Cooperation Center
Ministry of Justice
People's Republic of China
Done at Beijing, October 9, 2013

Contact: Wang Tailong (Mr.)
Tel: +86 10 6515 3174
Fax: +86 10 6515 3144
Email: wangtailong945@sina.com